

REMARKS

Upon entry of this amendment, Claims 1, 3-5, and 8-13 are pending.

Applicants' attorney Yu Lu interviewed Examiner Crouch via telephone on August 2 and 3 to discuss potential claim amendments that would overcome the pending rejections. Applicants wish to thank Examiner Crouch for her prompt responses, constructive suggestions, and professionalism.

Based on the interviews, Applicants have amended independent Claims 1, 3, and 10 to further clarify the subject matter claimed. As a result, Applicants also amended dependent Claims 8, 9, and 11, and added new dependent Claims 12 and 13. The new dependent claims parallels Claims 8 and 9, and no new matter is introduced.

The substance of the interviews are incorporated into this response, which also constitutes the required statement under 37 C.F.R. § 1.133(b).

Applicants respectfully request reconsideration in view of the amendments and the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

Claim rejections under 35 U.S.C. § 112, first paragraph - enablement

Claims 1, 3-5, and 8-11 remain rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Office Action argues that the claims read on the embodiment where the genetically altered mouse comprises a Caspase-9 gene defect not integrated into the genome, and that the specification does not enable this embodiment.

Although Applicants have argued before that the claims do not encompass such an embodiment, Applicants have nevertheless amended the claims to recite a "defective genomic

Caspase-9 gene” to even further clarify the subject matter claimed. Applicants submit that this amendment does not narrow the scope of the claims.

During the interviews, the Examiner indicated that this amendment would overcome the enablement rejection.

In addition, Applicants have introduced additional amendments to the independent claims to further clarify the subject matter claimed. Applicants submit that these amendments merely improve the claim language, and do not narrow the scope of the claims.

Applicants submit that the amended claims satisfy the requirement of 35 U.S.C. 112, first paragraph. Reconsideration and withdrawal of the enablement rejection are respectfully requested.

Claim rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 3-5, and 8-11 remain rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action argues that the claims are confusing in that they read on a mouse having a defective Caspase-9 gene and another genetic alteration, and the disruption of the caspase-9 gene allegedly is not clearly linked to the mouse’s genome.

As argued above, although Applicants do not necessarily agree with the rejection, Applicants have amended the claims to recite a “defective genomic Caspase-9 gene” to even further clarify the subject matter claimed.

During the interviews, the Examiner indicated that this amendment would overcome the 35 U.S.C. § 112, second paragraph rejection.

Thus, Applicants submit that the amended claims satisfy the requirement of 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection are respectfully requested.

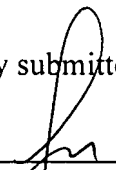
CONCLUSION

In view of the above amendments and arguments, Applicants believe that the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if any fee is due, the Director is authorized to charge our Deposit Account No. **18-1945**, from which the undersigned is authorized to draw under Order No. **VPI/98-104 CIP CON US**.

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Respectfully submitted,

By 
James F. Haley, Jr. (Reg. No. 27,794)
Yu Lu (Reg. No. 50,306)
Attorney/Agent For Applicants
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)